

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)

RONALD H. CLARK, INDIVIDUALLY
AND AS PERSONAL REPRESENTATIVE
OF THE ESTATE OF BEATRICE F. CLARK
20 Gristmill Lane
New Castle, Delaware 19711

and

WANDA WOERNER
2024 Marsh Road
Wilmington, Delaware 19810

Plaintiffs

v.

YOUR DOC'S IN
1511 Ocean Highway
Pocomoke, Md. 21851

Serve:

Walter Gianelle
Chesapeake Medical Solutions LLC
2425 North Salisbury Blvd.
Salisbury, Md. 21801

and

CHESAPEAKE MEDICAL SOLUTIONS, LLC
2425 North Salisbury Blvd.
Salisbury, Md. 21801

Serve:

Walter Gianelle
3676 Arrowsmith Drive
Salisbury, Md. 21804

and

COMPLAINT

Case No. _____

CHESAPEAKE MEDICAL SOLUTIONS, PA :
2425 North Salisbury Blvd. :
Salisbury, Md. 21801 :

Serve: :
Walter Gianelle :
3676 Arrowsmith Drive :
Salisbury, Md. 21804 :

and :

JOHN P. VISIOLI, D.O. :
1511 Ocean Highway :
Pocomoke, Md. 21851 :

Defendants. :
:

COMPLAINT AND ELECTION FOR JURY TRIAL

Plaintiffs, Ronald H. Clark, Individually and as Personal Representative of the Estate of Beatrice F. Clark, and Wanda Woerner, Individually, by and through undersigned counsel, hereby sue the Defendants, Your Doc's In, Chesapeake Medical Solutions, LLC, Chesapeake Medical Solutions, PA & John P. Visioli, D.O. and for their causes of action, state as follows:

JURISDICTION AND VENUE

1. This matter was filed with the Health Care Alternative Dispute Resolution Office of Maryland on or about July 2, 2015. A copy of the Statement of Claim is attached hereto as Exhibit A and incorporated herein by reference.

2. The Plaintiffs filed Certificates of Merit and Reports with the Health Care Alternative Dispute Resolution Office of Maryland on or about July 2, 2015 copies of which are attached hereto as Exhibit B and incorporated herein by reference.

3. The Plaintiffs filed an Election to Waive Arbitration with the Health Care Alternative Dispute Resolution Office of Maryland on or about July 20, 2015, a copy of which is attached hereto as Exhibit C and incorporated herein by reference.

4. An Order of Transfer to the United States District Court, District of Maryland was issued by the Health Care Alternative Dispute Resolution Office of Maryland on or about July 22, 2015, a copy of which is attached hereto as Exhibit D and incorporated herein by reference.

5. The Plaintiffs relate back to, repeat, re-allege, adopt, and incorporate by reference their Statement of Claim, Exhibit A, as though fully set forth herein.

6. This Honorable Court has jurisdiction over the subject matter of this action, pursuant to 28 U.S.C.A. §1332, in that the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000), exclusive of interest and costs, and is between citizens of different states.

7. Venue is proper in the United States District Court for the District of Maryland, pursuant to 28 U.S.C.A. §1391 as the forum in which a substantial part of the events or omissions giving rise to the claim occurred. The injuries and damages sustained by the Plaintiffs arose from the negligent and careless acts committed by the Defendants, individually and through their real, apparent and/or ostensible agents, servants, and/or employees, in Pocomoke, Worcester County, Maryland.

THE PARTIES

8. Plaintiff Ronald H. Clark is an adult citizen of the State of Delaware and the surviving spouse of Beatrice F. Clark, deceased.

9. Plaintiff Wanda Woerner is an adult citizen of the State of Delaware and the daughter of Beatrice F. Clark, deceased.

10. On or about December 4, 2014, Ronald H. Clark was appointed Personal Representative of the Estate of Beatrice F. Clark, by the Register of Wills for New Castle County, Delaware.

11. At all times relevant, Maryland Defendants Your Doc's In, Chesapeake Medical Solutions, LLC, Chesapeake Medical Solutions, PA, and John P. Visioli, D.O. owned and/or operated an Urgent Care Center at Pocomoke, Maryland, known as Your Doc's In, located in Worcester County, Maryland. In so doing, these Defendants employed doctors, nurses, interns, technicians, assistants, and other medical personnel over whom Defendants exercised control and supervision.

12. At all times relevant, Defendants held themselves, and the health care providers they employed, out to the public as possessing that degree of skill, expertise, knowledge and ability ordinarily possessed by reasonably prudent and competent like health care providers.

13. At all times pertinent hereto, Dr. John P. Visioli, was a physician working for, or on behalf of the corporate defendants, in addition to own interests. At all relevant times herein, Dr. Visioli was working at the Your Doc's In Urgent Care Center, Pocomoke, Maryland.

14. At all relevant times hereto, Dr. Visioli was a health care provider practicing medicine at the above-referenced medical facility acting within the scope of his employment for or on behalf of the corporate defendants, as the agent, servant and/or employee of said Defendants.

15. Defendants, Your Doc's In, Chesapeake Medical Solutions, LLC, Chesapeake Medical Solutions, PA, are liable for damages caused by the negligent acts and/or omissions of their agents, servants and/or employees, acting within the scope of their employment, in accordance with the law of the place where the acts/omissions occurred. Dr. John P. Visioli is independently liable

for damages caused by his negligent acts and/or omissions in treating the deceased, Beatrice F. Clark. Defendants Your Doc's In, Chesapeake Medical Solutions, LLC & Chesapeake Medical Solutions, PA are Maryland corporations with a principal place of business in Salisbury, Md.

FACTS COMMON TO ALL COUNTS

16. On the morning of July 6, 2013, Plaintiff Ronald H. Clark, brought his wife, then age 73, to Your Doc's In, Pocomoke, Maryland from his Horntown VA vacation residence.

17. Beatrice F. Clark presented with complaints including shortness of breath, congestion and constant chest pain for the previous several hours.

18. Ms. Clark was treated by Dr. Visioli and found to be in respiratory distress. Although noted to be on blood pressure control medication, her initial blood pressure was 99/66, with a repeat a half hour later of 97/60. Diagnostic and laboratory testing was performed and the recorded BUN, blood urea nitrogen, level was 23. Oxygen saturation on room air was 92%.

19. Dr. Visioli ordered chest radiographs (x-rays), reached a diagnosis of community acquired pneumonia, prescribed an outpatient antibiotic, cefuroxime axetil, for pick up, and discharged Ms. Clark to home at 1:16 p.m. on July 6, 2013, despite Ms. Clark's poor condition and the fact that there was minimal relief of Ms. Clark's symptoms. No further testing was ordered.

20. On July 6, 2013, at approximately 5:30 p.m. Ronald H. Clark found Beatrice F. Clark had collapsed after a shower. At 5:57 the Greenbackville VFD responded for a cardiac arrest to Horntown where CPR was being administered to Ms. Clark.

21. Beatrice Clark was rushed by ambulance to the emergency room at Peninsula Regional Medical Center in Salisbury, Maryland but ongoing CPR efforts were suspended as the ambulance neared Salisbury.

22. As direct and proximate result of Defendants failure to recognize and respond properly to Ms. Clark's life-threatening medical condition on July 6, 2013, Beatrice Fontello Clark was pronounced dead on arrival at Peninsula Regional Medical Center later that day, on July 6, 2013.

COUNT ONE - WRONGFUL DEATH

23. Plaintiffs incorporate by reference herein all of the facts and allegations contained in paragraphs one through 22 of the Complaint, as if fully set forth herein, and further allege as follows:

24. In their care and treatment of Beatrice F. Clark, Defendants, Your Doc's In, Chesapeake Medical Solutions, LLC, Chesapeake Medical Solutions, PA & John P. Visioli, D.O., directly and through their agents, servants and employees, owed Ms. Clark the duty to exercise that degree of care and skill which reasonably competent health care providers would have exercised under the same or similar circumstances.

25. Defendants, Your Doc's In, Chesapeake Medical Solutions, LLC, Chesapeake Medical Solutions, PA & John P. Visioli, D.O., directly and through their agents, servants and employees, breached that duty, violated the applicable standards of care, and were negligent, in the following ways, among others:

- A. Failing to recognize, respond to and treat Ms. Clark's condition timely;
- B. Failing to properly monitor Ms. Clark's condition;
- C. Failing to properly evaluate, diagnose and treat Ms. Clark;
- D. Failing to recognize the significance of Ms. Clark's abnormal signs and symptoms;
- E. Failing to order and/or perform appropriate and timely diagnostic tests;

- F. Failing to properly interpret and respond to the diagnostic tests that were ordered and performed;
- G. Failing to follow-up appropriately to the tests that were performed;
- H. Failing to obtain and/or perform appropriate and timely consultations and/or referrals for Ms. Clark;
- I. Failing to timely assess and treat Ms. Clark's chest pain, shortness of breath, low blood pressure and pneumonia properly;
- J. Negligently discharging Ms. Clark;
- K. Negligently failing to inform Ms. Clark, and/or her husband, of the need to seek immediate inpatient hospital care in light of the abnormal findings;
- L. Failing to train and supervise its agents, servants and/or employees adequately;
- M. Failing to have adequate available staff; and,
- N. Performing other negligent acts and omissions in the care and treatment of Ms. Clark.

26. As a direct and proximate result of the foregoing negligence and the failure to adhere to the then applicable standards of care, Beatrice F. Clark died and Plaintiffs Ronald H. Clark and Wanda Woerner have suffered and will continue to suffer great mental anguish, emotional pain and suffering, loss of companionship, comfort, protection, filial care, attention, advice, counsel, guidance.

WHEREFORE, Plaintiffs Ronald H. Clark and Wanda Woerner brings this action against defendants Your Doc's In, Chesapeake Medical Solutions, LLC, Chesapeake Medical

Solutions, PA & John P. Visioli, D.O. for damages in excess of the jurisdictional amount plus interest and costs.

COUNT TWO - SURVIVAL ACTION

27. Plaintiffs incorporate by reference herein all of the facts and allegations contained in paragraphs one through 26 of the Complaint, as if fully set forth herein, and further allege as follows:

28. As a further direct and proximate result of the aforementioned negligence, Beatrice Fontello Clark was caused to experience great conscious pain and suffering and incur medical expenses, and her Estate was caused to incur funeral expenses.

WHEREFORE, Plaintiff Ronald H. Clark, as Personal Representative of the Estate of Beatrice F. Clark, brings this action against defendants Your Doc's In, Chesapeake Medical Solutions, LLC, Chesapeake Medical Solutions, PA & John P. Visioli, D.O. for damages in excess of the jurisdictional amount plus interest and costs.

Respectfully submitted,



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